

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

HARRY BOSWELL, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:17-03411

NANCY A. BERRYHILL,  
Acting Commissioner of the  
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted to the court her Proposed Findings and Recommendation ("PF&R") on May 18, 2018, in which she recommended that the district court deny plaintiff's motion for judgment on the pleadings; grant the Commissioner's motion for judgment on the pleadings; and affirm the Commissioner's decision. ECF No. 17.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to the magistrate judge's PF&R. The failure of any party to file such objections

constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party has filed any objections to the magistrate judge's PF&R within the required time period. Accordingly, the court adopts the factual and legal analysis contained within the PF&R as follows:

1. Plaintiff's motion for judgment on the pleadings is **DENIED**, (ECF No. 12);
2. Defendant's request to affirm the decision of the Commissioner is **GRANTED**, (ECF No. 16);
3. The final decision of the Commissioner is **AFFIRMED**;
4. The action is **DISMISSED**, with prejudice; and
5. The Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record.

It is **SO ORDERED** this 5th day of July, 2018.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", written over a horizontal line.

David A. Faber  
Senior United States District Judge